

EXHIBIT A



NAILAH K. BYRD
CUYAHOGA COUNTY CLERK OF COURTS
1200 Ontario Street
Cleveland, Ohio 44113

Court of Common Pleas

New Case Electronically Filed: COMPLAINT
June 11, 2021 13:44

By: PAUL KNOTT 0059727

Confirmation Nbr. 2275352

CORRINE PAYTON

CV 21 948649

vs.

Judge: JOHN D. SUTULA

DOLLAR TREE, INC., ET AL

Pages Filed: 3

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

CORRINE PAYTON)	CASE NO.
1422 SOM Center Road #303)	
Mayfield Hts., Ohio 44124)	JUDGE
)	
Plaintiff,)	
)	
v.)	
)	
DOLLAR TREE, Inc.)	<u>COMPLAINT</u>
c/o Corporation Service Company, Statutory Agent)	(Jury demand endorsed hereon)
100 Shockoe Slip Fl 2)	
Richmond, VA 23219-4100)	
)	
Also serve at)	
1609 Golden Gate Plaza)	
Mayfield Heights, Ohio 44124)	
)	
Defendant.)	

Now comes Plaintiff, Corrine Payton, by and through attorney Paul Knott and for her
Complaint state as follows:

COUNT ONE

1. Defendant Dollar Tree, Inc. was at all times relevant herein in custody, management and control and responsible for the care and maintenance of the Dollar Tree store #4559 located at 1609 Golden Gate Plaza, in the City of Mayfield Heights, County of Cuyahoga and State of Ohio (hereinafter “premises”).

2. On or about June 25, 2019, Plaintiff Corrine Payton was, at all times relevant herein, an invitee of Defendant at the premises.

3. Plaintiff believes and therefore avers that Defendant was negligent in creating a latent hazard upon the premises, i.e. causing and permitting liquid soap to accumulate on the floor and failing to warn invitees, including Plaintiff Corrine Payton, of said hazard

4. Plaintiff was at all times exercising due care while walking through the premises when she slipped and fell on the aforementioned liquid soap.

5. As a further direct and proximate result of Defendant's negligence, Plaintiff was caused to suffer serious and permanent injuries to her head, neck, elbow, back and other parts of her body; was caused to suffer and continues to suffer great pain of body and mind, now and in the future; was prevented from transacting her normal and daily activities, now and in the future; and was caused to seek medical treatment for which she incurred expenses and will incur additional expenses for further such treatment in the future.

WHEREFORE, Plaintiff Corrine Payton demand judgment against Defendant, Dollar Tree in an amount in excess of \$25,000.00, plus interest and for all costs incurred herein.

Respectfully submitted,

/s/ Paul Knott

PAUL KNOTT -- #0059727
The IMG Center
1360 East 9th Street, Suite 910
Cleveland, Ohio 44114
216-589-0907
216-589-0907 facsimile
pknott@knottlawoffice.com

Attorney for Plaintiff

JURY DEMAND

Plaintiff hereby demand a trial by Jury in the within matter.

/s/ Paul Knott

PAUL KNOTT -- #0059727

CASE NO. CV21948649	D1 CM	SUMMONS NO. 44638956
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Rule 4 (B) Ohio

Rules of Civil
Procedure

SUMMONS

<p>CORRINE PAYTON VS DOLLAR TREE, INC., ET AL</p>	<p>PLAINTIFF DEFENDANT</p>
--	---

<p>DOLLAR TREE, INC. C/O CORPORATION SERVICE COMPANY, STATUTORY AGENT 100 SHOCKOE SLIP FL 2 RICHMOND VA 23219</p>

Said answer is required to be served on:



Plaintiff's Attorney

<p>PAUL KNOTT 1360 EAST 9TH STREET STE 910 CLEVELAND, OH 44114-0000</p>
--

Case has been assigned to Judge:

<p>JOHN D SUTULA Do not contact judge. Judge's name is given for attorney's reference only.</p>

<p>DATE SENT Jun 11, 2021</p>
--

NAILAH K. BYRD
Clerk of the Court of Common Pleas

Debbie Jones

By _____
Deputy



COMPLAINT FILED 06/11/2021





UNITED STATES
POSTAL SERVICE

Date Produced: 06/28/2021

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CASE NO. CV21948649	D1 CM	SUMMONS NO. 44638957
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Rule 4 (B) Ohio

Rules of Civil
Procedure

SUMMONS

<p>CORRINE PAYTON VS DOLLAR TREE, INC., ET AL</p>
--

PLAINTIFF

DEFENDANT

<p>DOLLAR TREE, INC. C/O CORPORATION SERVICE COMPANY, STATUTORY AGENT 1609 GOLDEN GATE PLAZA CLEVELAND OH 44124-0000</p>
--

You have been named defendant in a sums complaint (copy attached hereto) filed in Cuyahoga County Court of Common Pleas, Cuyahoga County Justice Center, Cleveland, Ohio 44113, by the plaintiff named herein.

You are hereby summoned and required to answer the complaint within 28 days after service of this summons upon you, exclusive of the day of service.

Said answer is required to be served on Plaintiff's Attorney (Address denoted by arrow at left.)

Your answer must also be filed with the court within 3 days after service of said answer on plaintiff's attorney.

If you fail to do so, judgment by default will be rendered against you for the relief demanded in the complaint.

Said answer is required to be served on:



Plaintiff's Attorney

<p>PAUL KNOTT 1360 EAST 9TH STREET STE 910 CLEVELAND, OH 44114-0000</p>
--

Case has been assigned to Judge:

<p>JOHN D SUTULA Do not contact judge. Judge's name is given for attorney's reference only.</p>

NAILAH K. BYRD
Clerk of the Court of Common Pleas

Debbie Jones

By _____
Deputy



<p>DATE SENT Jun 11, 2021</p>
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COMPLAINT FILED 06/11/2021



CASE NO. CV21948649	D1 CM	SUMMONS NO. 44638957
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Rule 4 (B) Ohio

Rules of Civil
Procedure

SUMMONS

<p>CORRINE PAYTON VS DOLLAR TREE, INC., ET AL</p>	<p>PLAINTIFF</p> <p>DEFENDANT</p>
--	---

<p>DOLLAR TREE, INC. C/O CORPORATION SERVICE COMPANY, STATUTORY AGENT 1609 GOLDEN GATE PLAZA CLEVELAND OH 44124-0000</p>
--

Said answer is required to be served on:



Plaintiff's Attorney

<p>PAUL KNOTT 1360 EAST 9TH STREET STE 910 CLEVELAND, OH 44114-0000</p>
--

Case has been assigned to Judge:

<p>JOHN D SUTULA Do not contact judge. Judge's name is given for attorney's reference only.</p>

<p>DATE SENT Jun 11, 2021</p>
--

NAILAH K. BYRD
Clerk of the Court of Common Pleas

Debbie Jones

By _____
Deputy



COMPLAINT FILED 06/11/2021





NAILAH K. BYRD
CUYAHOGA COUNTY CLERK OF COURTS
1200 Ontario Street
Cleveland, Ohio 44113

Court of Common Pleas

ANSWER OF...
July 13, 2021 15:45

By: CHRISTOPHER E. COTTER 0084021

Confirmation Nbr. 2299701

CORRINE PAYTON

CV 21 948649

vs.

Judge: JOHN D. SUTULA

DOLLAR TREE, INC., ET AL

Pages Filed: 5

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

CORRINE PAYTON,

Plaintiff,

vs.

DOLLAR TREE, INC., et al.

Defendants.

CASE NO. CV 21 948649

JUDGE JOHN D. SUTULA

**ANSWER TO PLAINTIFF'S
COMPLAINT BY DEFENDANT
DOLLAR TREE STORES, INC.**

(JURY DEMAND ENDORSED HEREON)

Now comes Defendant, Dollar Tree Stores, Inc. (incorrectly identified as “Dollar Tree, Inc.” in Plaintiff’s Complaint) (hereinafter “Answering Defendant” or “Dollar Tree”), by and through counsel, and for its Answer to Plaintiff’s Complaint, states as follows:

FIRST DEFENSE

ANSWER TO FACTS COMMON TO ALL COUNTS

1. With respect to the allegations set forth in Paragraph 1 of Plaintiff’s Complaint, Dollar Tree admits that it operated a store at 1609 Golden Gate Plaza, Mayfield Heights, Ohio. Dollar Tree is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 1 of Plaintiff’s Complaint and therefore denies the same.

2. Dollar Tree is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 2 of Plaintiff’s Complaint and therefore denies the same.

3. Dollar Tree denies the allegations contained in Paragraph 3 of Plaintiff’s Complaint.

4. Dollar Tree denies the allegations contained in Paragraph 4 of Plaintiff's Complaint.

5. Dollar Tree denies the allegations contained in Paragraph 5 of Plaintiff's Complaint.

6. Dollar Tree denies all allegations set forth in the Complaint that it does not expressly admit here.

AFFIRMATIVE DEFENSES

To the extent the evidence establishes the existence of any one or more of the following defenses or affirmative defenses, then Plaintiff is barred, in whole or in part, from obtaining any relief against this Answering Defendant:

1. Failure to state a claim upon which relief may be granted.
2. Failure to join necessary and indispensable parties to this action as required by Rules 17, 19, and 20 of the Federal Rules of Civil Procedure.
3. Comparative negligence of Plaintiff Corrine Payton.
4. Open and obvious doctrine.
5. Two inch rule and/or the condition was insignificant, trivial or insubstantial.
6. Step in the dark rule.
7. There was no dangerous condition or defect.
8. Lack of actual or constructive notice of a dangerous condition or defect.
9. Plaintiff cannot identify, explain or prove what caused the injury.
10. Primary assumption of the risk.
11. Secondary and/or implied assumption of the risk.
12. Express assumption of the risk.

13. Applicable statute of limitations.

14. Insufficiency of service of process.

15. Lack of personal jurisdiction.

16. Intervening and/or superseding cause.

17. Failure to mitigate damages.

18. Plaintiff is not the real party in interest to all or a portion of the claimed damages and, therefore, Plaintiff has no legal standing or right to recover.

19. Failure to join necessary and indispensable parties to this action.

20. Doctrines of waiver, estoppel and/or laches.

21. Plaintiff's claims violate Ohio's frivolous conduct statute, R.C. 2323.51, and/or Rule 11 of the Ohio Rules of Civil Procedure.

22. Any amount recoverable is limited by the Ohio Tort Reform Act.

23. This Answering Defendant asserts its right to the "empty chair" defense pursuant to R.C. 2307.23.

24. Plaintiff's claims are barred or limited by the spoliation of evidence by persons or entities other than Answering Defendant.

25. Plaintiff's claims are barred by fraud by Plaintiff and/or persons acting in concert with Plaintiff.

26. This Answering Defendant reserves the right to assert additional affirmative defenses as the result of ongoing discovery.

WHEREFORE, Defendant Dollar Tree Stores, Inc. demands that Plaintiff's Complaint be dismissed with prejudice at Plaintiff's costs and for such further equitable relief deemed appropriate by this Court.

Respectfully submitted,

/s/ Christopher E. Cotter

Christopher E. Cotter (84021)
ccotter@ralaw.com

Nicholas A. Adair (96807)
nadair@ralaw.com

Roetzel & Andress, LPA

222 South Main Street

Akron, OH 44308

Direct: 330.819.1127

Telephone: 330.376.2700

Facsimile: 330.376.4577

ATTORNEYS FOR DEFENDANT
DOLLAR TREE STORES, INC.

JURY DEMAND

Defendant hereby demands a trial by jury.

/s/ Christopher E. Cotter

One of the Attorneys for Defendant

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing has been served upon the following parties via the Court's electronic filing system this 13th day of July, 2021, which sent electronic notice of such filing to the attorneys of record in this case.

Paul Knott, Esq.
The IMG Center
1360 East 9th Street, Suite 910
Cleveland, Ohio 44114
Phone: 216.589.0907
Fax: 216.589.0907
pknott@knottlawoffice.com

ATTORNEY FOR PLAINTIFF
CORRINE PAYTON

/s/ Christopher E. Cotter
One of the Attorneys for Defendant